GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Water Resources Department – Work Charged Establishment - Sri M. Subba Rao, S/o Sri M. Adinarayana, Ex-Lascar – Providing compassionate appointment on Medical Invalidation scheme to comply with the interim orders of Andhra Pradesh Administrative Tribunal, dated: 27.02.2015 in O.A No. 1313/2015 – Permission Accorded – Orders issued.

WATER RESOURCES (SER.IV) DEPARTMENT

G.O.MS.No. 39 Dated: 16-05-2018

Read the following:

1) G.O. Ms. No. 214, GA (Ser.A) Department, Dated: 9.6.1998.
2) G.O.Ms. No: 202, GA (Ser.A) Department, Dated: 27.04.2002
3) G.O.Ms. No.100, GA (Ser.G) Department, Dated: 03.03.2005
4) G.O. Ms. No: 661, GA (Ser.G) Department, Dated: 23.10.2008
5) Interim Orders of APAT in OA No.1313/2015, Dated:27.2.2015
6) From the Engineer-in-Chief (IW), Water Resources Department, AP, Vijayawada, LrNo.ENC/IW/P&M/EE.1/NTPA/W2/Z3/1974/2009, Vol-III, Dated:08.03.2018

ORDER:

Sri M. Adinarayana, Lascar was retired from service on Medical invalidation grounds on 11.05.1999 in terms of the reference first read above. Subsequently the scheme of compassionate appointment on Medical Invalidation scheme was withheld from 27.04.2002 through the reference second read above. Sri M.Subba Rao S/o.Sri M.Adinarayana was appointed in the Last Grade Service on contract basis on a consolidated pay in terms of the reference third read above and further continued up to 03 years i.e., from 12.01.2006 to 07.02.2009 and thereafter terminated from contract lascar post after completion of (03) years.

2. Sri M. Subba Rao has filed O.A. No: 4020/2009 praying for compassionate appointment in a regular post. The Andhra Pradesh Administrative Tribunal has directed to consider the appointment to any suitable post, as per eligibility and as per the orders issued by the Government vide G.O. Ms. No: 661, General Administration Department, Dt: 23.10.2008. As per the instructions of the Government, the Superintending Engineer, NSJC O&M Circle, Lingamguntla has issued speaking orders vide Proc. No: 251- M, Dt: 10.02.2011 stating that there is no scope for appointment to a regular post on compassionate grounds as the disease certified by the medical board for retirement of the Government employees is not complying with the disease specified in Para 16 (1)(g) of G.O.Ms. No: 661, G.A. Dept., Dt: 23.10.2008.

3. Against the above orders dt.10.02.2011 of the Superintending Engineer, Sri M. Subba Rao has filed O.A. No: 2429/2012 in APAT. The APAT in its orders dt.16.04.2013 in O.A No.2429/2012 while allowing the O.A has set aside the impugned proceedings No.AB/AC2/251 M, dated: 10.02.2011 and directed to consider the case of the applicant for appointment to a suitable post on compassionate grounds, in the light of the retirement of his father when the old scheme was in force and in the light of the application made by the applicant for compassionate appointment when the old scheme is in force.

4. Government vide Memo. dated: 17.12.2014 have instructed the Superintending Engineer stating that, any application for compassionate appointment to the dependents of the Government employees retired on Medical Invalidation to be considered only within the frame work of G.O.Ms. No; 661 G.A.(Ser. G) Dept., Dt: 23.10.2008 and it has only prospective operation and not retrospective operation and instructed to take necessary action accordingly for issue of detailed speaking orders to the applicant so as to comply with the court orders.

5. Aggrievedly, Sri M. Subba Rao, Ex- Contract Lascar, has filed OA No.1313/2015 for suspension of the orders of Govt. Memo. No: 10567/Ser.IV-1/2012-8, Dated:17.12.2014 for further direction to appoint him on compassionate grounds on regular basis in last grade service. The Hon'ble A.P.A.T, in its interim orders dt:27.2.2015 in O.A. No: 1313/2015 pending disposal of the O.A. suspended the

impugned Memo.No.10567/Ser.IV-1/2012-8, Dated:17.12.2014 and directed the respondents to consider the case of the applicant forthwith in the light of the orders passed by the Tribunal in O.A. No: 2429/2012 Dated: 16.4.2013 and the orders of the Hon'ble High court in W.P. No: 2013/2012 Dated: 29.7.2013 .

6. The Superintending Engineer, NSJC O&M Circle, Linamguntla has addressed the Collector, Guntur to consider the case of Sri M. Subba Rao for appointment as Office Subordinate in any one of the Departments in their Jurisdiction, as there are no vacancies available in their circle. In turn, the District Collector, Guntur has informed that as per G.O.Ms.No.661 GA(Ser-G) Department, Dated.23.10.2008, " the appointments on compassionate grounds under medical invalidation scheme shall be in the same unit of appointment" and requested to take appropriate action in the matter.

7. In the mean while, Sri M.Subba Rao, S/o.Sri M.Adinarayana, Ex- Lascar has filed C.A. No: 430/2016 in O.A. No: 1313/2015 in the Hon'ble A.P.A.T, Hyderabad for non implementation of the interim orders dt:27.2.2015 of APAT.

8. The Engineer-in-Chief (IW), Water Resources Department, AP, Vijayawada in his letter 6th read above, has submitted the proposal for providing compassionate appointment to Sri M. Subba Rao, as Office Sub-ordinate in any one of the existing vacancies available in the jurisdiction of Engineer-in-Chief (IW), W.R. Department (HOD), as there are 42 Office Subordinate posts are existing vacant and also requested to issue necessary instructions on the orders of APAT dt:27.02.2015 in OA No. 1313/2015 to avoid further legal complication on the above subject matter as the contempt is pending in Hon'ble A.P.A.T, Hyderabad.

9. In view of the above position, Government after careful examination of the matter as per rule 13 of the Andhra Pradesh Last Grade Service Rules, 1992, hereby permit the Engineer-in-Chief (IW), Water Resources Department, Vijayawada to provide compassionate appointment on medical grounds to Sri M. Subba Rao, S/o Sri M. Adinarayana, Ex-Lascar for the post of Office subordinate in any one of the existing 42 Office Subordinate posts are available in his jurisdiction to comply with the interim orders of APAT dt:27.02.2015 in OA No.1313/2015 in the light of the orders passed by the Tribunal in O.A. No: 2429/2012 Dated: 16.4.2013 and the orders of the Hon'ble High court in W.P. No: 2013/2012 Datedt: 29.7.2013.

10. The Engineer-in-Chief (IW), Water Resources Department, Vijayawada and the Superintending Engineer, NSJC O&M Circle, Lingamguntla are requested to take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHASHI BHUSHAN KUMAR
SECRETARY TO GOVERNMENT

To
The Engineer-in-Chief (IW), Water Resources Department, Currencynagar,
AP, Vijayawada
The Superintending Engineer, NSJC O&M Circle, Lingamguntla, Narasaraopet, Guntur District
Copy to:
The District Collector, Guntur
The P.S to Secretary to Government, Law Department
The Government Pleader for Water Resources, APAT, Hyderabad
The GA (Ser.E) Department
SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER